

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

<b>PRECISION CPAP, INC.;</b>	)	
<b>MEDICAL PLACE, INC.; PHASE III</b>	)	
<b>VANS, INC., d/b/a EAST MEDICAL</b>	)	
<b>EQUIPMENT AND SUPPLY; and</b>	)	
<b>MED-EX,</b>	)	
	)	
<b>Plaintiffs.</b>	)	<b>Civil Action No:</b>
	)	<b>2:05-CV-1096-MHT-DRB</b>
	)	
	)	
<b>v.</b>	)	<b>JURY TRIAL DEMANDED</b>
	)	
<b>JACKSON HOSPITAL; MED-SOUTH,</b>	)	
<b>INC.; JMS HEALTH SERVICES, L.L.C.</b>	)	
<b>d/b/a JACKSON MED-SOUTH HOME</b>	)	
<b>HEALTH, L.L.C.; BAPTIST HEALTH,</b>	)	
<b>INC.; AMERICAN HOME PATIENT,</b>	)	
<b>INC; BAPTIST VENTURES -</b>	)	
<b>AMERICAN HOME PATIENT;</b>	)	
	)	
<b>Defendants.</b>	)	

**MOTION TO AMEND COMPLAINT**

COME NOW, Plaintiffs in the above-referenced case, and move this Court for Leave To Amend the Complaint in this action in conformity with the First Amended Complaint attached hereto as Exhibit A.

1. The Federal Rules of Civil Procedure provide that leave to amend a complaint,

“shall

be freely given when justice so requires.” Fed. R. Civ. P. 15. The rule contemplates that leave should be granted unless there is a “substantial reason to deny it.” Halliburton & Associates,

Inc., v. Henderson Few & Co., 774 F.2d 441, 443(11th Circuit 1995), Citing Epsey v. Wainwright, 734 F.2d. 748(11th Circuit 1984).

2. Plaintiff's First Amended Complaint does not differ greatly from the Complaint currently operative in this case. Factual allegations are simply made more specific in order to meet some concerns raised by Defendants in their Motion to Dismiss.

3. This Motion To Amend comes very early in the case, before a Scheduling Order has

ever been entered in the case, and no party will be prejudiced thereby.

WHEREFORE, because Fed. R. Civ. P. 15 provides for liberal amendments of pleadings, because the amendment does not change the nature of the action, and because the amendment comes very early in the case, Plaintiffs respectfully request that the Complaint be amended in conformity with the First Amended Complaint attached hereto.

Respectfully,

s/Brian M. Clark  
Brian M. Clark (ASB-5319-R78B)  
*Attorney for Plaintiffs*

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**CERTIFICATE OF SERVICE**

I hereby certify that I have served a copy of the foregoing via CMF Electronic Filing System and/or by U. S. Mail, properly addressed and postage prepaid upon the following:

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Done this 3<sup>rd</sup> day of March, 2006.

s/Brian M. Clark  
Of Counsel